IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 28TH AUGUST 2006 / 6TH BHADRA 1928

Bail Appl..No. 5301 of 2006

CRIME NO.804/2006 OF KOLLAM EAST POLICE STATION

ACCUSED.

SANOOFAR M., SANOOFAR MANZIL, KUTTICHAL, VAZHAPPALLI, THIRUVANANTHAPURAM.

BY ADV. SRI.P.A.NOOR MUHAMMED
SRI.C.K.PRASAD
SRI.VIKANTH K.PUTHUMANA

RESPONDENTS: COMPLAINANT.

STATE OF KERALA, REPRESENTED BY THE SI OF POLICE, KOLLAM EAST THORUGH THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/08/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5301/2006

DATED THIS THE 28TH DAY OF AUGUST, 2006

O R D E R

The petitioner is accused in crime No.804/2006 of Kollam East Police Station, for the offence punishable under Sections 408, 468, 471 and 420 IPC.

2. It is alleged that the petitioner was working as a sales executive of "WWS. Sky Shop Private Limited", with its Head Office at Indore and having Branch Office at Thiruvananthapuram. As the executive, he had to sell the products by name "D-Care-Plus" as well as other products to the customers and collect the amount. The amount, so collected, had been remitted using the pay-in-slip to the ICICI Bank, Kollam and fax the counterfoil to the Head Office and hand over the original to the Branch office, Thiruvananthapuram.

3. However, the allegation is that during December, 2005 to July 2006, the petitioner had collected Rs.22,68,875/- and did not remit the same to the ICICI

Bank at Kollam. It was also, however, found, on enquiry, by the defacto complainant, that the counterfoil as well as the pay-in-slip were forged by the petitioner. The zeal for having received the cash and the letterhead of the ICICI Bank, produced together with the statement of accounts, were also found to be false.

4. Hence, the complaint was made by the defacto complainant, the manager, of the company, and the crime had been registered as above, by the Kollam East Police Station authorities. The petitioner is before this Court, under Section 438 Cr.P.C.

5. After hearing both sides and considering the materials on record, I direct the petitioner to surrender before the Investigating Officer, who is investigating crime No.804/2006 of Kollam East Police Station, on 1.9.2006 between 10.30 a.m and 11.00 a.m. The Investigating Officer shall interrogate the petitioner and produce him before the Court below, as per the law.

6. The learned Magistrate shall consider the application for bail, filed by the petitioner as well as the

application for custodial interrogation, if any, filed by the investigating Officer, on merit and pass appropriate orders, according to the law.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs